Memorandum

MIAMI-DADE COUNTY

(Public Hearing 5-7-13)

Date: April 16, 2013

Agenda Item No. 5(E)

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Regency Pointe Multipurpose Maintenance
Special Taxing District

Recommendation
It is recommended that the Board of County Commissioners (BCC) approve a petition submitted in accordance with Article 1, Chapter 18 of the Miami-Dade County Code for creation of the Regency Pointe Multipurpose Maintenance Special Taxing District. The creation of this District is pursuant to Public Works and Waste Management Department policy. The multipurpose maintenance program will remain dormant until such time as any Homeowners Association or Community Development District (CDD) fails to provide the required maintenance services.

Scope
This proposed special taxing district boundary lies within Commissioner Jean Monestime's District 2, and will provide multipurpose maintenance services, if and when necessary.

Fiscal Impact/Funding Source
Creation of this District will result in no economic impact on the County's budget. Maintenance services which cannot be equitably or conveniently provided by the property owners shall be provided by the District upon acceptance of the plat required improvements by Miami-Dade County and upon the failure of any Homeowners Association or CDD to provide the required maintenance services. Such services will be funded by special assessments against benefited property.

The economic impact on the private sector will be a perpetual annual special assessment for the cost of maintenance services to all property owners within the District, if and when necessary.

At this time, there will be no increase or decrease in County staffing due to this District. The private sector may increase its staffing levels to provide the service requirements created by this special taxing district.

Track Record/Monitoring
The Public Works and Waste Management Department is the managing entity overseeing this item and the person responsible is Donald L. Tock, Jr., Chief, Special Taxing Districts Division.

Background
Contingent upon BCC approval of this District's creating ordinance, and in the event any Homeowners Association or CDD fails to provide maintenance services, the Miami-Dade County Parks, Recreation and Open Spaces and Public Works and Waste Management Departments will provide the District's required maintenance services and cause implementation of special assessments for costs of such services against benefited property, as well as contract monitoring, compliance and enforcement.

Boundary:	On the North, NW 81 Street; On the East, NW 19 Avenue; On the South, NW 79 Street; On the West, theo. NW 20 Place.
Number of Parcels:	3 (Tentative plat proposes 1 commercial tract-Tract A).
Number of Owners:	2
Number of Owners With Homestead Exemption Signing Petition:	None – The petition was submitted by Regency Pointe Apartments, Ltd., and Metropolitan Mortgage Company of Miami, property owners and developers.
Preliminary Public Meeting:	None necessary.
Required Referendum:	The creation of the District will be subject only to BCC approval; no election will be necessary as 100 percent of the property owners signed the petition.
Preliminary Assessment Roll:	In the event any Homeowners Association or CDD fails to provide the maintenance services below, and contingent upon BCC approval of this District's creating ordinance, a hearing to adopt the multipurpose maintenance assessment roll will be conducted. The implementation of the assessment roll will be in accordance with the procedures defined in Chapter 18 of the Code.
<u>Proposed Service and Improvements</u> **Multipurpose Maintenance Services:**	The creation of this District is requested to maintain the swale areas and walls or fences along NW 79 Street, NW 81 Street, and NW 19 Avenue adjacent to public rights-of-way, and any common or landscaped areas within the District boundary should any Homeowners Association or CDD fails to provide these services. Failure to provide maintenance within the private road area as defined in a non-exclusive easement granted to Miami-Dade County and recorded in the Public Records.

Estimated Initial Billing: Assessment billed annually as an itemized portion of the Real Property tax bill. Collections to commence in November following adoption of this District's assessment roll.

Initial Start of Service
October 1st following cessation of maintenance services by the developer and failure of any Homeowners Association or CDD to provide services.

Method of Apportionment:
Maintenance Services: Square Footage

	First Year	Second Year
Estimated Annual Total Costs:		
Maintenance Services:	$13,414.87	$6,990.48
Estimated Annual Rates:	**First Year**	**Second Year**
Maintenance Services:	$0.0585	$0.0305
Estimated Annual Assessments:	**First Year**	**Second Year**
For Tract A:	$13,414.87	$6,990.48

The annual assessments shown above are representative of costs for Tract A.

State or Federal grants are not applicable to this special taxing district.

Each special taxing district is unique due to its geographical boundary, affected property owners, and level of services to be provided. Creation of a new special taxing district to provide these services is the best and most cost-effective method to achieve this benefit.

In compliance with the provisions of Section 18-3 (c) of the Code, I have reviewed the facts submitted by the Public Works and Waste Management Director and concur with her recommendation that this District be created pursuant to Section 18-22.1 of the Code.

Alina T. Hudak
Deputy Mayor

REPORT AND RECOMMENDATIONS ON THE
CREATION OF REGENCY POINTE MULTIPURPOSE MAINTENANCE
SPECIAL TAXING DISTRICT
MIAMI-DADE COUNTY, FLORIDA

Pursuant to Chapter 18 of the Code, and as a result of a detailed investigation of a duly petitioned for special taxing district, the following facts are submitted by the Public Works and Waste Management Director concerning the creation of Regency Pointe Multipurpose Maintenance Special Taxing District.

1. **BOUNDARY OF THIS DISTRICT**

The proposed District is located entirely within a portion of unincorporated Miami-Dade County, and the boundary, as set forth in the petition, is as follows:

> A PORTION OF SECTION 10, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA; (a.k.a. REGENCY POINTE, TENTATIVE PLAT #T-23314) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
>
> THE E ½ OF THE SE ¼ OF THE SW ¼ OF THE NE ¼ IN SAID SECTION 10; LESS THE SOUTH 300.00 FEET OF THE WEST 50.00 FEET; AND LESS THE SOUTH 50.00 FEET; AND LESS THE NORTH 25.00 FEET AND THE EAST 25.00 FEET; AND LESS A TRACT OF LAND DESCRIBED AS FOLLOWS:
>
> BEGIN AT A POINT 50.00 FEET NORTH AND 25.00 FEET WEST OF THE SE CORNER OF THE SE ¼ OF THE SW ¼ OF THE NE ¼ IN SAID SECTION 10; THENCE RUN NORTH 112.00 FEET, WEST 62.50 FEET, SOUTH 112.00 FEET, AND EAST 62.50 FEET TO THE POINT OF BEGINNING;
>
> AND
>
> THE N ½ OF THE W ½ OF THE SE ¼ OF THE SW ¼ OF THE NE ¼ IN SAID SECTION 10; LESS THE WEST 112.00 FEET THEREOF.
>
> ALL OF THE ABOVE LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

The boundary is shown on the attached plan entitled Regency Pointe Multipurpose Maintenance Special Taxing District and hereinafter referred to as Exhibit A.

2. **LOCATION AND DESCRIPTION OF DISTRICT**

The creation of this District is requested to provide the maintenance of swale areas and walls or fences along NW 79 Street, NW 81 Street, and NW 19 Avenue, and any common landscaped areas within the District boundary. Service will commence following failure of any Homeowners Association or Community Development District (CDD) to provide these services. Miami-Dade County may activate the District by adoption of the District's assessment roll at a subsequent public hearing.

3. **ESTIMATED COST FOR THIS DISTRICT**

The proposed District is to be created to provide maintenance only in the event that any Homeowners Association or CDD fails to provide the services as described in Item 2 above. Following commencement of services by the District, any increase in future maintenance functions may be recommended by a majority of the property owners for consideration by Miami-Dade County as administrator. The deletion of services is subject to maintaining a minimum level of services as determined by the Miami-Dade County Public Works and Waste Management Department.

The County may elect, due to the location and type of maintenance required, to provide landscape maintenance services utilizing an open contract for swale maintenance when significant service cost savings can be realized.

A cost estimate developed by the Public Works and Waste Management Department, based on estimates previously provided by the Parks, Recreation and Open Spaces Department for similar maintenance taxing districts, indicates the annual cost for the initial maintenance program to be $5,423.00 for the first and second years. In addition to that cost, it will be necessary for the County to recover the administrative, processing, billing, and advertising costs incurred in establishing and maintaining the District as provided by Chapter 18 of the Code, as well as provide for contingency and discount costs. This cost is estimated to be $7,991.87 the first year and $1,567.48 the second year. An annual meeting will be conducted with the owners of real property within the District as an integral part of the annual budget process. This will enable Miami-Dade County, as administrator, to secure suggestions from affected community representatives or association to improve delivery and lower costs of the services provided within the scope of the District's authorized functions as specified in Item 2 above, and to determine the following:

1. Level of service;
2. Areas to be maintained;
3. Approximate effect on cost and rate of assessment for any changes.

Miami-Dade County shall determine the minimum service level (property owners may not delete maintenance altogether).

ESTIMATED ANNUAL COSTS

	First Year	Second Year
Initial Annual Maintenance	$5,423.00	$5,423.00
Administrative, Processing, Billing and Advertising Costs	6,242.10	1,234.60
Contingency/Discount	1,749.77	332.88
Total Estimated Costs to District	$13,414.87	$6,990.48

The above costs are estimated and will be adjusted annually based on actual experience once service commences.

4. CONFORMITY TO THE MASTER PLAN OF MIAMI-DADE COUNTY

The proposed District conforms to and in no way conflicts with the Comprehensive Development Master Plan of Miami-Dade County (see attached memorandum from the Department of Regulatory Economic Resources, a successor to the Department of Planning and Zoning).

5. RECOMMENDATION CONCERNING THE DESIRABILITY OF THIS DISTRICT

The proposed maintenance program is desirable, needed, and in my opinion, provides special benefits to property within the District exceeding the amount of special assessment to be levied upon implementation of the District.

6. ESTIMATE OF ASSESSMENT AGAINST BENEFITED PROPERTY

This District will be held dormant until such time as stated above. Shown below is an estimate of costs if service were to commence in 2013 These costs are included for report purposes only, actual costs to provide services will be determined and presented to the Board of County Commissioners (BCC) at the assessment roll hearing. The combined costs of the maintenance program, processing and administrative expenses as shown in Item 3 above is to be paid for by special assessments levied against all benefited properties and is to be apportioned to individual properties within the District on the basis of lot or parcel square footage. The cost per assessable square foot to be assessed for this service is estimated as follows:

	First Year	Second Year
Estimated Total District Costs	$13,414.87	$6,990.48
Estimated Total Assessable Property Square Footage	229,435	229,435
Estimated Cost Per Square Foot Of Assessable Property	$0.0585	$0.0305

SAMPLE ASSESSMENTS	First Year	Second Year
Per Year For Tract A	$13,414.87	$6,990.48

The annual assessments shown above are representative of costs for Tract A. These costs are based on the above estimated total assessable property square footage and will be adjusted based on costs of services provided at the time of District implementation.

7. RECOMMENDATION

I recommend that Regency Pointe Multipurpose Maintenance Special Taxing District be created pursuant to Section 18-22.1 of the Code. The creation of this District will be subject to BCC approval only; no election will be necessary as 100 percent of the property owners signed the petition. I also recommend that the County Attorney cause to be prepared an ordinance authorizing the creation of the Regency Pointe Multipurpose Maintenance Special Taxing District. Pursuant to Chapter 18 of the Code, the BCC shall receive and hear, at a public hearing, remarks by interested persons on this District, and thereafter may adopt such ordinance. Following failure of any Homeowners Association or CDD to provide these services, the BCC shall adopt the District's Preliminary Assessment Roll resolution to fund district services. Adoption of this resolution will enable the Miami-Dade County Tax Collector to collect the funds necessary to administer the district, reimburse affected County Agencies involved in the creation and establishment of this District, as well as operate and maintain this District. The ordinance creating the District shall take effect ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, it shall become effective only upon an override by the BCC. My office will also be available to answer any questions from the public or your office in regard to the financial and/or engineering facts of this project. We further recommend that the County Mayor or County Mayor's designee forward this report to the BCC after he has reviewed it and concurred with our findings.

Attachments: (1) Copy of Petition and Attachments
(2) Copy of Memo from Department of Regulatory and Economic Resources
(3) District Boundary Map (Exhibit A)

Memorandum

MIAMI-DADE COUNTY

Date: January 18, 2013

To: Christopher Agrippa, Division Chief
Office of the Clerk of the Board
Attn: Keith Knowles

From: Donald L. Tock, Jr., Chief
Special Taxing Districts Division
Public Works and Waste Management Department

Subject: Regency Pointe Multipurpose Maintenance
Special Taxing District

In reference to the subject petition, we hereby certify that, in compliance with Section 18-22.1 of the Miami-Dade County Code, this Department has verified the attached names against the records of the Office of the Property Appraiser, and has concluded that said petition relates to real property in a new subdivision and the signators are owners and/or individuals signing in their official capacity as representatives of the owner of the property in question. We are therefore submitting the following information:

1.	Total number of parcels of land within district boundaries	3
2.	Total number of owners of property within district boundaries	2
3.	Total number of resident owners within district boundaries (this is a new subdivision area)	0
4.	Total number of signatures on the petition	2
5.	Total number of owners or representatives signing the petition in an official capacity	2
6.	Percentage of owners or representatives signing the petition in their official capacity	100%

Pursuant to Section 18-22.1 of the Code, this is a valid petition.

By copy of this memorandum, I am forwarding this petition for review by the County Attorney for legal sufficiency.

Attachment

cc: Jorge Martinez-Esteve

MIAMI-DADE COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Don Tock
Chief, Special Taxing Districts

FROM: Jorge Martinez-Esteve
Assistant County Attorney

DATE: ~~January 23~~ February 8, 2013

SUBJECT: Regency Pointe Multipurpose Maintenance Special Taxing District

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Please be advised that I have reviewed the above referenced petition and find it to be legally sufficient for the purposes stated within the Petition, provided that:

1. the lake to be maintained by the taxing district is accessible to the public; and,
2. the wall and entrance features to be maintained are adjacent to or accessible from the public right of way; and,
3. the land included in Exhibit A of the Petition is accessible to or usable by the public.

JME/lr

MIAMI-DADE COUNTY PUBLIC WORKS
AND WASTE MANAGEMENT DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

10/2/12
Document Preparation Date

Departmental Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

To the Board of County Commissioners of Miami-Dade County, Florida:

We, the undersigned property owner(s), do hereby petition Miami-Dade County, Florida, for the creation of the Special Taxing District(s) required by the respective plat(s) pursuant to Chapter 18 of the Code of Miami-Dade County, Florida, for any or all of the following: landscape, lake, entrance features and wall maintenance services (requested landscape, lake, entrance features and wall maintenance services shall be more fully described on the attached Exhibit B). The petitioned for district lies within that portion of the unincorporated area of Miami-Dade County more fully described on the attached Exhibit A.

Tentative Plat(s) Name(s) Regency Pointe

It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will be reviewed by the appropriate County authorities. It is also understood that the improvements to be provided shall be in accordance with minimum standards and requirements set forth by the Miami-Dade County Public Works and Waste Management Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
Regency Pointe Apartments, Ltd.	2100 Hollywood Boulevard Hollywood, Florida 33020		30-3110-000-0010
			30-3110-000-0020
		MORE FULLY	
		DESCRIBED ON	
By: Regency Pointe Apartments, Ltd, a Florida Limited Partnership By: Cornerstone Regency Pointe, LLC, a Florida limited liability company, its General partner By: _____ Leon J. Wolfe Vice President		THE ATTACHED	
		"EXHIBIT A"	

PLACE NOTARY STATEMENT AND STAMP HERE:

State of Florida
County of Broward
On this 11 day of October 2012
before me personally appeared
Leon J. Wolfe
to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.
SEAL (signed) _____
Notary Public

GRISELDA GOMEZ
Notary Public - State of Florida
My Comm. Expires Sep 9, 2014
Commission # EE 24876
Bonded Through National Notary Assn.

10/2/12
Document Preparation Date

MIAMI-DADE COUNTY PUBLIC WORKS
AND WASTE MANAGEMENT DEPARTMENT
SPECIAL TAXING DISTRICTS DIVISION

Departmental Acceptance Date
(Government Use Only)

PETITION FOR MULTIPURPOSE SPECIAL TAXING DISTRICT

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Tentative Plat(s) Name(s) Regency Pointe

It is understood and agreed that the boundaries of this district and the type and level of services to be provided by this district will be reviewed by the appropriate County authorities. It is also understood that the improvements to be provided shall be in accordance with minimum standards and requirements set forth by the Miami-Dade County Public Works and Waste Management Department.

OWNER'S NAME	OWNER'S ADDRESS	LEGAL DESCRIPTION OF PROPERTY	TAX FOLIO NUMBER
Metropolitan Mortgage Company of Miami	1135 Kane Concourse 2nd Floor Bay Harbour Islands, FL 33154		Northern Portion of 30-3110-000-0040
		MORE FULLY	
		DESCRIBED ON	
		THE ATTACHED	
		"EXHIBIT A"	

Milton Raijman, ~~President~~
Director

State of Fla.
County of Miami-Dade
On this 11th day of Oct 2012
before me personally appeared
Milton Raijman
to me known to be the person who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.
SEAL (signed)
Notary Public

PLACE NOTARY STATEMENT AND STAMP HERE:

BARBARA A. BEGUIRISTAIN
Notary Public - State of Florida
My Comm. Expires Apr 13, 2014
Commission # DD 961707
Bonded Through National Notary Assn.

DEPARTMENTAL ACCEPTANCE DATE
(GOVERNMENT USE ONLY)

EXHIBIT "A"

EXHIBIT A TO THE PETITION FOR THE PLAT(S)

KNOWN AS **REGENCY POINTE .**

DATED 10/2/12 FOR THE CREATION OF

SPECIAL TAXING DISTRICT(S).

THE EAST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, LESS THE SOUTH 300 FEET OF THE WEST 50 FEET AND LESS THE SOUTH 50 FEET AND LESS THE NORTH 25 FEET AND THE EAST 25 FEET, OF SECTION 10, TOWNSHIP 53 SOUTH, RANGE 41 EAST, IN MIAMI-DADE COUNTY, FLORIDA; AND LESS A TRACT OF LAND DESCRIBED AS FOLLOWS:
BEGIN AT A POINT 50 FEET NORTH AND 25 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 53 SOUTH, RANGE 41 EAST; THENCE RUN NORTH 112 FEET; THENCE WEST 62 1/2 FEET; THENCE SOUTH 112 FEET; THENCE EAST 62 1/2 FEET TO THE POINT OF BEGINNING.

AND

THE NORTH 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, LESS THE WEST 112 FEET THEREOF, IN SECTION 10, TOWNSHIP 53 SOUTH, RANGE 41 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

EXHIBIT B

EXHIBIT B TO THE PETITION FOR THE SUBDIVISION KNOWN AS REGENCY POINTE DATED 10/2/12 FOR THE CREATION OF A MULTIPURPOSE SPECIAL TAXING DISTRICT FOR MAINTENANCE.

AREAS TO BE MAINTAINED:

- The swale areas along N.W. 79 Street, N.W. 81 Street and NW 19 Avenue adjacent to the subdivision.
- Any wall or fence constructed along N.W. 79 Street, N.W. 81 Street and NW 19 Avenue.
- Any common landscaped areas within the subdivision.

MAINTENANCE SCHEDULE:

A. Lawn/Grass

1) Cut bimonthly as required.
2) Fertilize and weed control as necessary.
3) Treat for pests and/or diseases as necessary.

B. Trees/Shrubs

1) Trim, fertilize and treat for pests as needed.
2) Replace as required.

C. Wall/Fence

Repair or replace and paint as required.

NOTE: THIS SPECIAL TAXING DISTRICT ENCOMPASSES A PRIVATE DRIVE COMMUNITY, AND THE MULTIPURPOSE MAINTENANCE COMPONENT OF THE DISTRICT SHALL BE **DORMANT**. SERVICE WILL ONLY COMMENCE FOLLOWING FAILURE (AS DEFINED IN A "GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT" SUBMITTED AT THE SAME TIME AS THIS PETITION) OF ANY HOME-OWNER'S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRICT TO PROVIDE THE REQUIRED SERVICES. ASSUMPTION OF MAINTENANCE SERVICES SHALL COMMENCE FOLLOWING ADOPTION OF THIS DISTRICT'S MULTIPURPOSE MAINTENANCE ASSESSMENT ROLL BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING. OTHER MAINTENANCE SERVICES MAY BE PROVIDED IN THE FUTURE AS SPECIFIED IN THE DISTRICT'S ORDINANCE AND AMENDMENTS THERETO. IN THE EVENT THIS DISTRICT IS ACTIVATED, THE FOLLOWING AREAS MAY BE MAINTAINED:

MEMORANDUM

To: Aristides Rivera, P.E., P.L.S., Director
Public Works Department

Date: January 15, 2002

From: Diane O'Quinn Williams, Director
Department of Planning and Zoning

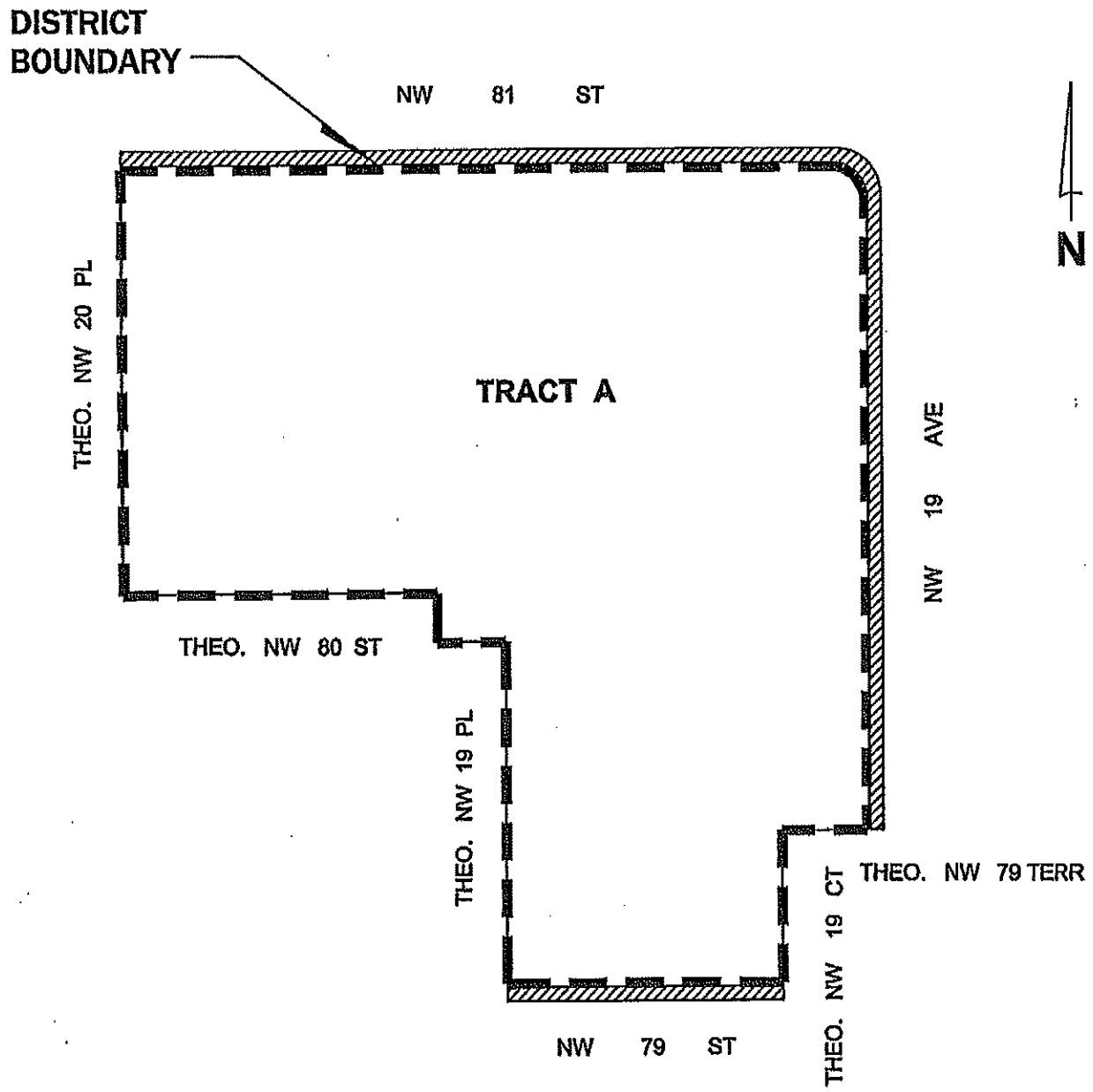
Subject: Street Lighting, Maintenance of Landscape, Walls Adjacent to Double-Frontage Lots and Lakes Special Taxing Districts

Section: As Required
District: As Required
Council: As Required

Effective September 5, 2001, all tentative plats in the unincorporated area of Miami-Dade County submitted to the Land Development Division of the Public Works Department, must be accompanied by a properly executed petition for all applicable special taxing districts including, but not limited to street lights, maintenance of landscape, walls adjacent to double frontage lots, entrance features and lakes. Final Plats will not be presented to the Board of County Commissioners for consideration until the applicable special taxing districts are created, and all fees have been paid. In that regard, to ensure expeditious processing, this Memorandum may serve as approval for certain future special taxing district application requests as being consistent with the intent and purpose of the adopted 2005-2015 Comprehensive Development Master Plan (CDMP). Policy 4A – Capital Improvement Element states: Appropriate funding mechanisms will be adopted and applied by Miami-Dade County in order to assure the fiscal resources to maintain acceptable levels of service. Such funding mechanisms include special tax districts, municipal taxing service units, local option taxes, user fees, local gas tax, general obligation bond, impact fees, and special purpose authorities, or others as appropriate and feasible (Adopted Components as Amended through April 2001, page IX-10). The provision for services over and above minimum for neighborhoods and communities may be accomplished through the special taxing district as may be prescribed by the code.

The Department of Planning and Zoning (DP&Z) has no objection to a blanket approval with condition to establish future special taxing districts as limited to requests for street lighting, landscape maintenance, walls adjacent to double-frontage lots and lake maintenance districts. The previously noted special taxing districts may be established on the condition that the DP&Z review all landscape maintenance districts for compliance with plantings in public rights-of-way and lake maintenance districts for consistency with Landscape Code (Chapter 18A) Section 18A-6(L) Storm Water Retention/Detention Areas.

DO'QW: GA: TBS



REGENCY POINTE

MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT

SHADING DENOTES AREAS TO BE MAINTAINED.
SEE ATTACHED SHEET FOR SERVICE DESCRIPTIONS
AND LOCATIONS.

M-747 (COMM. 0002)
SECTION: 10 - 53 - 41

EXHIBIT "A"

ATTACHMENT TO EXHIBIT A
REGENCY POINTE MULTIPURPOSE
MAINTENANCE SPECIAL TAXING DISTRICT

AREAS TO BE MAINTAINED:
SWALE AREAS AND WALLS OR FENCES ALONG NW 79 STREET, NW 81 STREET, AND NW 19 AVENUE ADJACENT TO PUBLIC RIGHTS-OF-WAY, AND ANY COMMON OR LANDSCAPED AREAS WITHIN THE DISTRICT BOUNDARY.

MAINTENANCE SCHEDULE:

A) LAWN / GRASS
   1) CUT BIMONTHLY AS REQUIRED
   2) FERTILIZE AND WEED CONTROL AS NEEDED
   3) TREAT FOR PESTS/DISEASES AS NEEDED
   4) IRRIGATE WITH AUTOMATIC SYSTEM AND ELECTRICAL SERVICE FOR SAME

B) TREES / SHRUBS
   1) TRIM, FERTILIZE AND TREAT FOR PESTS AS NEEDED
   2) REPLACE AS REQUIRED

C) WALL MAINTENANCE
   1) MAINTENANCE AND REPAIR OF THE EXTERIOR OF WALLS OR FENCES LOCATED ALONG NW 79 STREET, NW 81 STREET, AND 19 AVENUE ADJACENT TO PUBLIC RIGHTS-OF-WAY AND THE REMOVAL OF GRAFFITI AS NEEDED

NOTE: THIS SPECIAL TAXING DISTRICT ENCOMPASES A PRIVATE DRIVE COMMUNITY, AND THE MULTIPURPOSE MAINTENANCE COMPONENT OF THE DISTRICT SHALL BE **DORMANT**; SERVICE WILL ONLY COMMENCE FOLLOWING FAILURE (AS DEFINED IN A "GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT" SUBMITTED AT THE SAME TIME AS THIS PETITION) OF ANY HOMEOWNER'S ASSOCIATION AND/OR COMMUNITY DEVELOPMENT DISTRICT TO PROVIDE THE REQUIRED SERVICES. ASSUMPTION OF MAINTENANCE SERVICES SHALL COMMENCE FOLLOWING ADOPTION OF THIS DISTRICT'S MULTIPURPOSE MAINTENANCE ASSESSMENT ROLL BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING. OTHER MAINTENANCE SERVICES MAY BE PROVIDED IN THE FUTURE AS SPECIFIED IN THE DISTRICT'S ORDINANCE AND AMENDMENTS THERETO. IN THE EVENT THIS DISTRICT IS ACTIVATED, THE FOLLOWING AREAS MAY BE MAINTAINED:

SWALE AREAS AND WALLS OR FENCES ALONG NW 79 STREET, NW 81 STREET, AND NW 19 AVENUE ADJACENT TO PUBLIC RIGHTS-OF-WAY, AND ANY COMMON OR LANDSCAPED AREAS WITHIN THE DISTRICT BOUNDARY.

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 7, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(E)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(E)
5-7-13

ORDINANCE NO. _____

ORDINANCE CREATING AND ESTABLISHING A SPECIAL TAXING DISTRICT IN MIAMI-DADE COUNTY, FLORIDA, KNOWN AND DESCRIBED AS REGENCY POINTE MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution (Article VIII, Section 6) grants to the electors of Miami-Dade County power to adopt a home rule charter of government for Miami-Dade County, Florida, and provides that such charter may provide a method for establishing special taxing districts and other governmental units in Miami-Dade County from time to time; and

WHEREAS, the Home Rule Charter adopted by the electors of Miami-Dade County on May 21, 1957, provides that the Board of County Commissioners, as the legislative and the governing body of Miami-Dade County, shall have the power to establish special purpose districts within which may be provided essential facilities and services, including landscape improvement and maintenance programs, and that all funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only, and that the County Commission shall be the governing body of all such districts; and

WHEREAS, pursuant to such provisions of the Florida Constitution and the Home Rule Charter, the Board of County Commissioners duly enacted Chapter 18 of the Code of Miami-Dade County, Florida, providing for the creation and establishment of special taxing districts and prescribing the procedures therefor; and

WHEREAS, in accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a petition for the creation of a special taxing district to be known as the

REGENCY POINTE MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT duly signed by 100% of the owners (developer/petitioner) of property within the proposed district, was filed with the Clerk of the County Commission. Such petition prayed for the creation and establishment of a special taxing district for the purpose of providing maintenance of the swale areas, and walls or fences along NW 79 Street, NW 81 Street and NW 19 Avenue adjacent to public Rights-of-Way located within the public domain, and any common or landscaped areas within the district boundary to be financed solely by means of special assessments levied and collected within the area therein and hereinafter described; and

WHEREAS, upon receipt of such petition the Clerk of the County Commission transmitted a copy thereof to the County Mayor or County Mayor's designee who examined it and filed a written report with the Clerk certifying that such petition was sufficient in form and substance and signed and properly presented in accordance with the requirements of Chapter 18 of the Code of Miami-Dade County, Florida; and

WHEREAS, the County Mayor or County Mayor's designee, after making appropriate investigations, surveys, plans and specifications, compiled and filed with the Board of County Commissioners his written report and recommendations setting forth the boundary of the proposed special taxing district, the location, nature and character of the maintenance programs to be provided within the proposed district, an estimate of the cost of maintaining and operating such improvements and/or services, his certification that the proposed district's improvements and/or services conform to the master plan of development for the County, and setting forth his recommendations concerning the need for and desirability of the requested district, the ability of the affected property to bear special assessments to fund the cost of maintaining and operating such improvements and/or services, and an estimate of the amount to be assessed against each square foot of the benefited property within the proposed district, and expressing his opinion that the property to be specially assessed will be benefited in excess of the special assessments to be levied, and the County Mayor or County Mayor's designee attached to such report and recommendations a map or sketch showing the boundary and location of the proposed district.

Such Report and Recommendations of the County Mayor or County Mayor's designee was filed with the Clerk and transmitted to the Chairperson; and

WHEREAS, it appearing to the Board of County Commissioners from such report of the County Mayor or County Mayor's designee and other investigations that the district petitioned for would be of special benefit to all property within the proposed boundaries and that the total amount of the special assessments to be levied would not be in excess of such special benefit; the Clerk of the Board certified the place, date and hour for a public hearing on the petition of the owners (developer/petitioner) and the report and recommendations of the County Mayor or County Mayor's designee -- said hearing was held on Tuesday, . Copies of the public notice were duly published in a newspaper of general circulation published in Miami-Dade County, Florida, and copies thereof were posted in not less than five (5) public places within the proposed district, and copies thereof were mailed to all owners of taxable real property within the boundary of the proposed district as their names and addresses appear on the latest Miami-Dade County Real Property Tax Roll; and

WHEREAS, pursuant to said notice, the Board of County Commissioners on Tuesday, , held a public hearing, at which all interested persons were afforded the opportunity to present their objections, if any, to the creation and establishment of the proposed special taxing district; and

WHEREAS, the Board of County Commissioners, upon review and consideration of the report and recommendations of the County Mayor or County Mayor's designee and the views expressed by the property owners within the proposed special taxing district, has determined to create and establish such special taxing district in accordance with the report and recommendations of the County Mayor or County Mayor's designee, and the provisions of Chapter 18 of the Miami-Dade County Code,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. In accordance with the provisions of Chapter 18 of the Code of Miami-Dade County, Florida, a special taxing district to be known and designated as the REGENCY POINTE MULTIPURPOSE MAINTENANCE SPECIAL TAXING DISTRICT is hereby created and established in the unincorporated area of Miami-Dade County, Florida.

Section 2. The area or boundary of this proposed special taxing district is as follows:

> A PORTION OF SECTION 10, TOWNSHIP 53 SOUTH, RANGE 41 EAST, MIAMI-DADE COUNTY, FLORIDA; (a.k.a. REGENCY POINTE, TENTATIVE PLAT #T-23314) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
>
> THE E ½ OF THE SE ¼ OF THE SW ¼ OF THE NE ¼ IN SAID SECTION 10; LESS THE SOUTH 300.00 FEET OF THE WEST 50.00 FEET; AND LESS THE SOUTH 50.00 FEET; AND LESS THE NORTH 25.00 FEET AND THE EAST 25.00 FEET; AND LESS A TRACT OF LAND DESCRIBED AS FOLLOWS:
>
> BEGIN AT A POINT 50.00 FEET NORTH AND 25.00 FEET WEST OF THE SE CORNER OF THE SE ¼ OF THE SW ¼ OF THE NE ¼ IN SAID SECTION 10; THENCE RUN NORTH 112.00 FEET, WEST 62.50 FEET, SOUTH 112.00 FEET, AND EAST 62.50 FEET TO THE POINT OF BEGINNING;
>
> AND
>
> THE N ½ OF THE W ½ OF THE SE ¼ OF THE SW ¼ OF THE NE ¼ OF SAID SECTION 10; LESS THE WEST 112.00 FEET THEREOF.
>
> ALL OF THE ABOVE LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

The area and location of this proposed special taxing district are shown on the map or sketch which is made a part hereof by reference.

Section 3. The service to be provided within this proposed special taxing district will consist of the following:

> Maintain the swale areas, and walls or fences along NW 79 Street, NW 81 Street, and NW 19 Avenue adjacent to public Rights-of-Way, and any common or landscaped areas within the District boundary in the event any Homeowners Association or Community Development District fails to provide these services. Failure is defined in non-exclusive easement granted to Miami-Dade County and recorded in the Public Records.

Section 4. The estimated cost to the property owners for the maintenance and operation of the district's improvements and/or services including engineering, administration,

billing, collecting and processing for the first year is $13,414.87, and $6,990.48 for the second year. It is estimated that the cost per assessable square foot of real property within the proposed district is $0.0585 for the first year, and $0.0305 for the second year. The second and succeeding years' assessments will be adjusted from actual experience.

Section 5. It is hereby declared that said improvements and/or services will be a special benefit to all property within the proposed special taxing district and the total amount of special assessments to be levied as aforesaid will not be in excess of such special benefit.

Section 6. Miami-Dade County, as administrator of this district's maintenance program, is directed to provide service by the most effective and efficient means available on a yearly basis, as detailed in the County Mayor or County Mayor's designee's report which is made a part hereof by reference. If there is a proposed significant change to the level of services to be provided, the Parks, Recreation and Open Spaces Department shall conduct a meeting in the community, inviting all affected district property owners for the purpose of reviewing the district's budget and level of services.

Section 7. The County Mayor or County Mayor's designee is authorized and directed to cause to be made the maintenance and operation of various public improvements to be installed within the district in accordance with the provisions of this Ordinance. However, multipurpose maintenance services will be provided by the taxing district in accordance with the provisions of this ordinance only if a Homeowners Association and, if applicable, a community development district, have failed to provide these maintenance services and the County has adopted this district's multipurpose maintenance assessment roll.

Section 8. The County Mayor or County Mayor's designee is further directed to cause to be prepared and filed with the Clerk of the County Commission a Preliminary Assessment Roll in accordance with the provisions of Section 18-14 of the Code of Miami-Dade County, Florida. As authorized by Section 197.363, Florida Statutes, all special assessments levied and imposed under the provisions of this Ordinance shall be collected, subject to the

provisions of Chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. In accordance with utilization of the ad valorem tax collection method, if such special assessments are unpaid, when due, the potential for loss of title to the property exists.

Section 9. A duly certified copy of this Ordinance shall be filed in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida, and recorded in the appropriate book of records.

Section 10. The provisions of this Ordinance shall become effective ten (10) days after the date of its enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jorge Martinez-Esteve